REMARKS

Status of Application

Claims 1, 2 and 4-21 are the claims that have been examined in the instant application. Claims 1, 2, 4-11, and 13-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Geoffrey B. Rhoads (US 20030128861 A1), hereinafter "Rhoads". Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Geoffrey B. Rhoads in view of Hisayuki Yamagata (US 20020018139 A1), incorporating by reference the rejection as advanced in the most recent non-final Office Action. Claims 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Geoffrey B. Rhoads as applied to claim 2, and further in view of allegedly well known prior art.

Applicant hereby amends claim 8.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1, 2, 4-11, and 13-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Geoffrey B. Rhoads (US 20030128861 A1), hereinafter "Rhoads". Claims 2, 5-11 and 13-19 are also rejected under 35 U.S.C. § 102(e) as being anticipated by Rhoads, the rejections as advanced in the previous Office Action being incorporated by reference.

With regard to claim 1, the Examiner asserts that a calibration pattern "merely stands in for the fact than an additional watermark can be used to realize the same functionality of the 'calibration pattern'," (see Office Action page 5). However, the Examiner does not address how Rhoads consistently treats the calibration pattern as something other than a watermark. The Examiner also does not explain how the calibration pattern actually indicates that the first

information is embedded in the image. Therefore, Applicant again respectfully submits that the calibration pattern only allows the watermark to be decoded. Claim 1 is thus patentable over the applied art. Claims 14, 17 and 19 recite similar limitations to claim 1 and are patentable for reasons analogous thereto. Claims 2, 4-11, 13, 15, 16 and 19 are patentable at least by virtue of their respective dependencies.

With further regard to dependent claim 4, Rhoads fails to disclose a processing means for performing a process for detection of the first information on only the photographed-image data from which the second information is detected. Therefore, a 102(e) rejection of this claim is improper.

Claim Rejections - 35 U.S.C. § 103(a)

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Geoffrey B. Rhoads in view of Hisayuki Yamagata (US 20020018139 A1), incorporating by reference the rejection as advanced in the most recent non-final Office Action.

In the rejection, the Examiner asserts that Yamagata teaches a tilt detection means and display control means similar to that of claim 12. The Examiner concludes that it would have been obvious to combine the teachings of Yamagata with Rhoads, as the watermark detector depends on an accurate representation of the watermark. The Examiner is mistaken, however, in concluding that Yamagata discloses a display control means which displays "information representing the tilt of said optical axis detected by said tilt detection means." Yamagata teaches only displaying the image, not the calculations and modifications that went into producing the

image as displayed. Therefore, the 103(a) rejection is improper, and claim 12 is patentable over the prior art.

Claims 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Geoffrey B. Rhoads as applied to claim 2, and further in view of allegedly well known prior art.

Regarding claim 20, the Examiner admits that Rhoads does not explicitly teach that the second information is easier to process than the first information. The Examiner goes on to assert that making this second information easier to read would have been obvious anyway, as Rhoads teaches that two watermarks may have differing signal strengths, which would be directed towards the "reading level" or processing of these watermarks. The Examiner's reasoning in reaching this conclusion is mistaken, however, as it would not be obvious to make the second information easier to process solely to reduce processing time; if that were the only reason, it would be obvious to make all watermarks easier to process, not just one. Therefore, a 103(a) rejection is improper, and claim 20 is patentable over the prior art.

Regarding claim 21, the Examiner admits that Rhoads does not explicitly teach making the second information low-frequency information. The Examiner goes on to assert that making this second information low-frequency would have been obvious, as Rhoads teaches that low-frequency signals may be noticeable in the watermarked image. The Examiner's reasoning in reaching this conclusion is mistaken, however, as Rhoads teaches away from making a signal low-frequency. Paragraph 105 of Rhoads, cited by the Examiner in the rejection of claim 21, states that impulse functions - which indicate the signal content of the watermarks - should not be made low-frequency, as that would make them noticeable in the image which has been

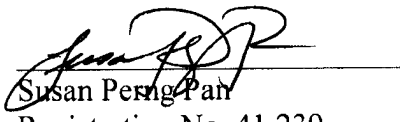
watermarked. Therefore, the 103(a) rejection is improper, and claim 21 is patentable over the prior art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373
CUSTOMER NUMBER

Date: February 21, 2008